

I am Jim Grennan, an attorney. I have represented clients seeking Social Security disability benefits for more than 40 years. This letter is being submitted to The House Ways and Means Social Security Subcommittee that will hold a hearing on "The Challenges of Achieving Fair and Consistent Disability Decisions."

My experience leads me to believe that the answer to fair and consistent decisions on a claimant's claim for disability can best be achieved requiring that each physician provide an opinion of a patient's residual functional capacity if the physician saw the claimant within a year prior to the date that the claimant made a claim for disability benefits. Such could be provided through statute and regulation with a penalty of being refused any payment by Medicare.

I believe that such a law and regulation would greatly reduce the variety of decisions throughout Social Security by providing a solid basis for determining disability. A letter to the claimant stating why the claim was denied would likely reduce the number of appeals. Such an explanation is presently not given. It most likely would reduce the backlog of cases waiting to be heard by an Administrative Law Judge. Such would make known whether or not the claimant has the residual functional capacity to perform gainful employment. In the absence of the above, the determination of disability is a guess based upon medical records that do not contain a statement of the claimant's residual functional capacity.

Sincerely,

Jim Grennan